MADRAS REGULATION XXV OF 1802.[1]

[THE MADRAS PERMANENT SETTLEMENT REGULATION, 1802.]

[*13th July 1802.*]

[2]A Regulation for declaring the proprietary right of lands to be vested in individual persons, and for defining the rights of such persons, under a permanent Assessment of the Land-revenue in the [3][ ] territories subject to the Presidency of Fort St. George.

WHEREAS it is known to the zamindárs, mirásidárs, raiyats and cultivators of land in the territories subject to the Government of Fort St. George, that from the earliest until the present period of time the public assessment of the land-revenue has never been fixed; but that, according to the practice of Asiatic Governments, the assessment of the land-revenue has fluctuated without any fixed principles for the determination of the amount, and without any security to the zamindárs or other persons for the continuance of a moderate land-tax; that, on the contrary, frequent inquiries have been instituted by the ruling Power, whether Hindu or Muhammadan, for the purpose of augmenting the assessment of the land-revenue; that it has been customary to regulate such augmentations by the inquiries and opinions of the local officers appointed by the ruling Power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the zamindárs, and to appoint persons on its own behalf to the management of the zamindáris, thereby reserving to the ruling Power the implied right and the actual exercise of the

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[1] Short title, "The Madras Permanent Settlement Regulation, 1802"—*see* the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874)—s. 4 and the Second Schedule—to be in force in the whole of the Presidency of Madras except the territories mentioned in the Sixth Schedule to that Act.

It has further been declared to be in force in the Scheduled Districts of Ganjam and Vizagapatam, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874)—*see Gazette of India*, 1898, Pt. I, p. 869, and *Fort St. George Gazette*, 1898, Pt. I, p. 666. The Regulation has been extended by a notification under s. 5 of the Scheduled Districts Act to the Bhadrachalam and Nugur taluks of the Godávari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553. The Regulation has been declared by a notification under s. 3, cl. (*a*) of the Scheduled Districts Act to be in force in the Dutcharti and Guditeru Muttas of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.

This Regulation will cease to be in force in estates notified under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948)—*See* s. 3 of that Act.

[2] *See* Mad. Reg. IV of 1822, s. 2.

[3] The word "British" was omitted by the Adaptation Order of 1950.

proprietary possession of all lands whatever ; and whereas it is obvious to the said zamindárs, mirásidárs, raiyats and cultivators of land that such a mode of administration must be injurious to the permanent prosperity of the country by obstructing the progress of agriculture, population and wealth, and destructive of the comfort of individual persons by diminishing the security of personal freedom and of private property ; wherefore, the [1][ ] Government, impressed with a deep sense of the injuries arising to the State and to its subjects from the operation of such principles, has resolved to remove from its administration so fruitful a source of uncertainty and disquietude, to grant to zamíndárs and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances.

Assessment on all lands liable to revenue. Proprietary right vested in zamindars.

2. In conformity to these principles, an assessment shall be fixed on all lands liable to pay revenue to the Government ; and, in consequence of such assessment, the proprietary right of the soil shall become vested in the zamíndárs or other proprietors of land, and in their heirs and lawful successors for ever.

Instruments to be granted to zamindars. Corresponding kabuliyats.

3. Where the conditions of the permanent assessment of the revenue may have been adjusted, a sanad-i-milkiyat-i-istimrar, or deed of permanent property, shall be granted on the part of the [1][ ] Government to all persons being, or constituted to be zamindárs or proprietors of land ; and each zamindár or proprietor of land shall execute and deliver to the Collector of the district a corresponding kabúliyat.

The said sanad and kabúliyat shall contain the conditions and articles of tenure by which the lands shall be held.

Cases of disputed assessment.

In all cases of disputed assessment reference shall be had to the sanads and kabúliyats, and judgment shall be given by the Courts of Judicature in conformity to the conditions under which the agreement may have been formed in each particular case.

Articles of revenue which Government reserves right of abolishing or continuing. Land-tax to be permanently fixed exclusive of these articles.

4. The Government having reserved to itself the entire exercise of its discretion in continuing or abolishing, temporarily or permanently, the articles of revenue included, according to the custom and practice of the country, under the several heads of salt and saltpetre—of the sayar, or duties by sea or land—of the àbkàri, or tax on the sale of spirituous liquors and intoxicating drugs—of the excise on articles of consumption—of all taxes personal and professional, as well as those derived from markets, fairs or bazars—of lakhiraj lands (or lands exempt from the payment of public revenue), and of all other lands paying only favourable quit-rents—the

[1] The word " British " was omitted by the Adaptation Order of 1950.

permanent assessment of the land-tax shall be made exclusively of the said articles now recited.

Police expenses to be borne by Government. Lands appropriated to this purpose to be resumed.

5. The Government having charged itself generally with the maintenance and support of such establishments as may be requisite in the several provinces, cities and towns for the better keeping of the police, no lands shall be considered, as heretofore, to be holden on the condition of performing police duties, unless the same shall be specially provided for in the sanad-i-milkiyat-i-istimrar : and all lands or rasms heretofore appointed to the support of police establishments shall be disposed of in such manner as the [1][State Government] may think fit.

Amount of assessment to be regularly paid. No remission of revenue to be allowed. Landholder's property answerable for consequences of failure.

6. The landholders shall regularly pay in all seasons, in the current coin [2][ ], the amount of the permanent assessment fixed on their lands ; the remission of revenue which has occasionally been granted according to the custom of the country on account of drought, inundation or other calamity of the season shall cease and never be revived ; and where landholders may fail to discharge their pecuniary engagements their property shall be answerable for the consequence of such failure.

Their personal property to be attached in the first instance.

7. Where such failure may occur, the personal property of landholders shall in the first instance be attached, and ultimately their lands shall be liable to be sold and transferred from them for ever, if necessary, for the payment of the public revenue.[3]

Proprietors of land may transfer proprietary right in whole or part of their zamíndáris. Restrictions under which such transfer is to be made.

8. Proprietors of land shall be at free liberty to transfer without the previous consent of the Government, or of any other authority, to whomever they may think proper, by sale, gift or otherwise, their proprietary right in the whole or in any part of their zamíndárís ; such transfers of land shall be valid and shall be respected by the Courts of Judicature and by the [4][officers of the Government] ; provided they shall not be repugnant to the Muhammadan or to the Hindu laws, or to the regulations of the [5][ ] Government. But unless such sale, gift or transfer shall have been regularly registered at the office of the Collector, and unless the public assessment shall have been previously determined and fixed on such separated portions of land by the Collector, such sale, gift or

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[1] The words "Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "of their respective provinces" were omitted by the Adaptation Order of 1950.

[3] The estates of minors are exempted from sale for arrears of revenue by Mad. Reg. X of 1831, s. 2, cl. 1.

[4] The words "officers of the Crown" were substituted for the words "officers of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[5] The word "British" was omitted by the Adaptation Order of 1950.

transfer shall be of no legal force or effect, nor shall such transaction exempt a zamíndár from the payment of any part of the public land-tax assessed on the entire zamíndárí previously to such transfer, but the whole zamíndárí shall continue to be answerable for the total land-tax, in the same manner as if no such transaction had occurred.

Accounts to be furnished in forming part of zamindari into separate estate.

9. Where a part of a zamíndárí may be sold for the liquidation of arrear of the public assessment, or for the satisfaction of a decree of a Court of Judicature, or where part of a zamíndárí may be transferred by sale, gift or otherwise, the zamíndár or landholder shall furnish to the Collector true and correct accounts of the entire zamíndárí, and of the portion of the zamíndárí about to be separated, for a period of time not less than the three years preceding such sale or transfer, in order that the due proportion of the public revenue may be fixed thereon.

Principle regulating assessment on part to be separated.

The assessment to be fixed in this case on the separated lands shall always bear the same proportion to the actual value of the separated portion as the total permanent jamá on the zamíndárí bears to the actual value of the whole zamíndárí.

10. [*No separate estate to be created with a less jamà than* 500 *pagodas.*] *Rep., Mad. Act II of* 1869.

Number of karnams to be kept up : to be appointed by zamindars.

[1] **11.** The zamíndárs or landholders shall support the regular and established number of karnams in the several villages of their respective zamíndárís.

The karnams shall be appointed from time to time by the zamíndárs, and shall obey all legal orders issued by them ; but the karnams shall not be liable to be removed from their offices, except by the sentence of a Court of Judicature.

Procedure against karnams in cases of complaint.

Where a zamíndár, or his under-farmers, tenants or raiyats, may have cause of complaint against a karnam for breach of his duty, such zamíndár shall be free to institute a suit in the Adálat of the zila for the purpose of bringing such karnam to trial and punishment ; but, where a zamíndár may deprive a karnam of his office without such previous regular process, the zamìndár shall be liable to make such satisfaction for the injury as the Adálat of the zila may decree.

Appointment of successor to karnam dismissed from office.

Where a karnam may be dismissed from his office by the sentence of a Court of Judicature, the zamíndár shall in the first instance select a successor from the family of the last incumbent, provided any member of that family be found capable of performing the duty of karnam ; but where no member of the family may be capable of discharging the duty of karnam, in that case the zamíndár shall exercise his discretion

[1] This section ceases to be in force in estates where the Madras Proprietary Estates' Village-Service Act, 1894 (Mad. Act II of 1894), is extended to the office of village-accountant—*see* s. 3 of that Act.

in the appointment of a proper person. The name of the person appointed to suceed to the office of karnam shall be reported to the Collector of the zila by the zamíndár.

No part of an estate permanently assessed can be exempted from bearing its portion of public tax.

Lands allotted to religious purposes.

12. It shall not be competent to proprietors of land to appropriate any part of a landed estate permanently assessed to religious or charitable or to any other purposes by which it may be intended to exempt such lands from bearing their portion of the public tax ; nor shall it be competent to a proprietor of land to resume lands, or to fix a new assessment on lands which may be allotted (at the time when such proprietor may become possessed of the estate in which lands are situated) to religious or to charitable purposes under the denominations of Devasthan or Devadáyam, of Brahmádáyám or Agraháram, of Yaumiá, Jivadán or Madad Maásh, of Pirán, Fakirán, or any other description of exempted lands described under the general term of lakhiraj unless the consent of [1][the State Government] shall have been previously obtained for that purpose.

Where consent is obtained, assessment on such lands to be paid as fixed by Collector.

13. Where the consent of [1][the State Government] may have been obtained to a particular appropriation of the lands above described, the proprietor of the estate in which such lands are situated shall pay such assessment of revenue as may be fixed on the said lands by the Collector of the zila.

Zamindars to engage with raiyats, to grant pattas, and to give receipts for rents.

14. Zamíndárs or landholders shall enter into engagements with their raiyats for a rent, either in money or in kind, and shall, within a reasonable period of time, grant to each raiyat a patta or kaul, defining the amount to be paid by him, and explaining every condition of the engagement. And the said zamíndárs or landholders shall grant regular receipts to the raiyats for discharges in money or in kind made by the raiyats on account of the zamíndárs. Where a zamíndár after the expiration of a reasonable period of time from the execution of his kabúliyat may neglect or refuse to comply with the demand of his under-farmers or raiyats for the pattas or receipts above mentioned, such zamíndár shall be liable to be sued in the Adálat of the zila, and shall pay such damages as may be decreed by the Adálat to the complainant.

Zamindars refusing to give pattas or receipts, liable to be sued.

Zamindars to assist in keeping the peace.

15. Zamíndárs shall aid and assist the [2][officers of the Government] in apprehending and securing offenders of all descriptions, and they shall inquire and give notice to the Magistrates of robbers or other disturbers of the public peace who may be found, or who may seek refuge, in their zamíndáris.

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